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FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of:) MM DOCKET No.: 96-47
)
OAKHILL JACKSON ECONOMIC)
DEVELOPMENT CORPORATION)
)
Order to Show Cause Why the)
License for Station KOJC)
(FM) Cedar Rapids, Iowa,)
Should Not Be Revoked)

Volume: 1
Pages: 1 through 6
Place: Washington, D.C.
Date: April 18, 1996

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COMMISSION

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Applications of:) MM DOCKET No.: 96-47
OAKHILL JACKSON ECONOMIC)
DEVELOPMENT CORPORATION)
Order to Show Cause Why the)
License for Station KOJC)
(FM) Cedar Rapids, Iowa,)
Should Not Be Revoked)

Courtroom 4
FCC Building
2000 L Street, N.W.
Washington, D.C.

Thursday,
April 18, 1996

The parties met, pursuant to the notice of the
Judge, at 9:02 a.m.

BEFORE: HON. Edward Luton
Administrative Law Judge

APPEARANCES:

On behalf of the Commission:

MS. JACQUELINE ELLINGTON, ESQ.
MR. ROBERT ZAUNER, ESQ.
Mass Media Bureau
2025 M. Street, NW
Washington, D.C. 20554
(202) 418-2084

On Behalf of Oakhill Jackson:

No Appearance

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(202) 628-4888

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
None.					

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
<u>Oakhill:</u>			
None.			

Hearing Began: 9:02 a.m. Hearing Ended: 9:08 a.m.

P R O C E E D I N G S

MR. ZAUNER: This is such a major case, Your Honor, the three of us came over to --

JUDGE LUTON: I see. This is huge. Are we ready? All right. This is a pre-hearing conference in the matter of Oakhill-Jackson Economic Development Corporation. May I have the appearances, please?

MS. ELLINGTON: Jacqueline Ellington for the government, Your Honor.

JUDGE LUTON: All right.

MS. ELLINGTON: And to my left is Robert Zauner.

JUDGE LUTON: Thank you. Oakhill-Jackson apparently is not represented. I have not received a notice of appearance, a written notice of appearance. Has the government received notice of appearance?

MS. ELLINGTON: No, we have not, Your Honor.

JUDGE LUTON: Have not. Ordinarily, non-appearance by an outfit whose license stands to be revoked at the prehearing conference -- failure to file a notice of appearance, I should say, as well as non-appearance at the conference itself would ordinarily be enough to cause me to go ahead and do what the designation order instructs me to do. That is, certify the matter to the Commission.

MS. ELLINGTON: Excuse me, Your Honor.

1 JUDGE LUTON: Presuming the right to a hearing to
2 have been waived. But there is an oddity in this case.

3 MS. ELLINGTON: Yes, I was about to explain. In
4 this case, I did talk to Ms. Betty Daniels yesterday, a
5 representative I guess, who works for the licensee. And she
6 indicated that she thought she had a few more days to file a
7 notice of appearance. And technically based on the wording
8 in the order, she would have at least a couple of more days
9 to file a notice of appearance.

10 JUDGE LUTON: Yes. And the -- well, did she come
11 up with that idea on her own?

12 MS. ELLINGTON: Yes, she did actually. She said
13 she had spoken with an attorney, though he was not retained,
14 and he had indicated to her that she had at least until like
15 around the 22nd of April to file a notice of appearance.

16 JUDGE LUTON: That's interesting. What happened,
17 at least as I understand it, is that the assignment order,
18 which shut both the date of this conference as well as the
19 hearing, calculated at about 30 days from the date of
20 release of the hearing designation order for the conference.

21

22 Since the designation order itself allows a
23 response to be made, that is to say an appearance to be made
24 within 30 days after receipt of the designation order, the
25 two are not consonant one with the other. Usually, the

1 conference is held after the -- any possible time for filing
2 a notice has run. That has not happened here.

3 Consequently, I'm in no position to draw any
4 conclusion about whether or not her notice of appearance
5 will be timely filed. The only thing that I can do is await
6 future events. I'll permit passage of a reasonable time
7 before I draw any conclusion about whether or not we have an
8 entity that's interested in appearing in this proceeding or
9 not -- may or may not be the 22nd of April. I don't make
10 any judgment about that. It might be a good date. It may
11 not be. I'll just wait a while and see what happens.

12 If a notice of appearance does come in, we've got
13 a hearing date set and if the appearance is deemed to be
14 timely filed, we'll go to hearing either as scheduled or
15 with an adjusted date.

16 I've got to say that in my experience it would be
17 unusual if we did go to hearing in a case such as this. If
18 notice of appearance was going to be filed, chances are it
19 would have been filed by now. Oakhill would have been
20 represented here this morning and we'd be on track for
21 hearing. What usually happens in this case, and I
22 fully -- in these cases, and I expect that the same will
23 happen in this case, is that the licensee never does appear
24 and ultimately the matter's certified to the Commission.
25 And that's what I'm prepared to do. But I'm equally

1 prepared to go to hearing if indeed events should develop in
2 such a way that that's warranted. Anything else?

3 MS. ELLINGTON: I would like to, at some date
4 certain, file a motion to certify. Is there some date by
5 which I can file that motion if we do not receive a notice
6 of appearance?

7 JUDGE LUTON: No, there's not a date. Filing a
8 motion is fine, but it's also superfluous. I'm instructed
9 to do some things, mainly certify, in the event I think it's
10 time to do that, by the hearing designation order. If you
11 want to file a motion, go right ahead. It won't affect
12 what's going to happen here.

13 MS. ELLINGTON: Thank you.

14 JUDGE LUTON: Is that it?

15 MS. ELLINGTON: That's all we have.

16 JUDGE LUTON: All right. Thank you, very much for
17 your attendance.

18 MS. ELLINGTON: Thank you, Your Honor.

19 JUDGE LUTON: All right.

20 (Whereupon, at 9:08 a.m. the pre-hearing
21 conference was adjourned.)

22 //

23 //

24 //

25 //

REPORTER'S CERTIFICATE

FCC DOCKET NO.: 96-47
CASE TITLE: Oakhill Jackson Economic Development Corporation
HEARING DATE: April 18, 1996
LOCATION: Washington, D. C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: 04/18/96

Phil Raptis
Official Reporter
Heritage Reporting Corporation
1220 "L" Street, N.W.
Washington, D.C. 20005
Phil Raptis

TRANSCRIBER'S CERTIFICATE

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

Date: 04/27/96

Pam Stephens
Official Transcriber
Heritage Reporting Corporation
Pam Stephens

PROOFREADER'S CERTIFICATE

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date: 04/29/96

Don R. Jennings
Official Proofreader
Heritage Reporting Corporation
Don R. Jennings